Football and the Architecture of Global Justice

Lex sportiva, technology and the rise of transnational governance

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Abstract

This article examines how regulatory practices in international football have consolidated into a recognisable field of transnational sports law. It describes the institutional structure that connects FIFA, the regional confederations and the national associations, and explains how the Court of Arbitration for Sport has contributed to greater stability through a body of decisions that developed a more predictable set of standards over time. The analysis focuses on areas where this evolution becomes most apparent, including the introduction of video assistance technologies, the use of biometric data, the assessment of disciplinary proportionality, the conditions governing player mobility and the interaction between sporting autonomy and domestic law. To illustrate how norms are adjusted and reinterpreted, the study examines influential awards from football and from other disciplines that helped clarify procedural guarantees and substantive criteria. The article argues that the authority of this regulatory order arises from practical effectiveness, shared expectations among stakeholders and procedures that provide transparency and consistency. Taken together, the experience of football shows a form of transnational governance that aims to preserve competitive integrity, safeguard individual rights and maintain institutional adaptability within an increasingly dense regulatory environment.

Keywords

lex sportiva, CAS, football governance, transnational law, proportionality, disciplinary law, labour regulation, technological justice, fundamental rights, autonomy, juridification, global regulation, CAS jurisprudence, transfer system, VAR

Executive Summary

Background: Global football consolidated into a transnational regulatory ecosystem governed by *lex sportiva*. This normative order operates beyond state sovereignty and incorporates public law principles within a context marked by economic expansion and rapid technological innovation. The Court of Arbitration for Sport emerged as the central interpretive authority. Its jurisprudence shapes disciplinary, contractual and financial governance within FIFA, the regional confederations and the national associations.

Gap: *Lex sportiva* provides competitive coherence and procedural legitimacy, although its relationship with domestic legal systems remains insufficiently explored. Normative ideas originating in non-football disputes influence football-related adjudication in ways that remain under-analysed. The growing use of video assistant technologies and biometric data intensifies juridification. The balance between sporting autonomy and fundamental rights lacks systematic comparative study. There is limited empirical work on how CAS awards alter institutional practices in different jurisdictions, which obscures the constitutional maturity of this regime.

Purpose: This article examines the institutional and normative architecture of *lex sportiva* in football. It analyses the constitutive role of CAS in refining doctrine and clarifying procedural standards. The study evaluates the interaction between private regulation and domestic law and argues that football illustrates a form of networked constitutionalism. Authority within this system is sustained by functional specialisation, shared expectations among stakeholders and procedures that create transparency and consistency rather than by hierarchical sovereignty.

Methodology: The analysis compares transnational sporting norms with domestic legal frameworks and relies on primary CAS awards as core material. FIFA statutes, UEFA financial regulations and European data-protection norms provide complementary sources (UEFA, 2022; European Union, 2016). Influential cases are examined to trace doctrinal movement and systemic adaptation. The principal domains of football

governance are studied through doctrinal, institutional and comparative perspectives.

Results: *Lex sportiva* appears as a mature transnational regime. CAS jurisprudence develops clearer standards on proportionality, evidentiary thresholds and procedural fairness. Public law values become embedded without eliminating the specific nature of sport. Technological systems foster greater juridification and create demand for new accountability mechanisms. Labour regulation seeks equilibrium between contractual stability and player autonomy, with fixed-term contracts and training compensation contributing to this balance. Fundamental rights introduce constitutional constraints into private governance. Discretion is shaped by legality, equality and privacy norms. State courts usually defer to the expertise of sporting bodies, although intervention remains possible when public policy or bodily integrity is at stake.

Conclusion: Football governance supports a multi-billion-euro ecosystem through distributed authority and continuous doctrinal development rather than through centralised command. *Lex sportiva* integrates the competitive essence of the sport with wider regulatory demands at the global level. Private transnational orders can attain constitutional legitimacy when they incorporate transparency, proportionality and rights-based accountability. Stable governance requires constant adjustment of autonomy and public oversight and demands procedural safeguards for technological integration. Effective regulation also depends on sustained dialogue across legal traditions. The regime offers a model for governing global activities that extend beyond the nation-state.

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Chapter 1

Introduction

Football entered the early twenty-first century with a regulatory framework that goes well beyond the traditional rules governing play on the pitch. Private and hybrid organisations now perform many functions that were previously associated with state authorities. This development reflects broader patterns within globalisation and football makes those dynamics visible in a concrete and accessible way. Technical rules, disciplinary standards, labour regulation, economic oversight and arbitral procedures coexist within the same field. Each of these dimensions follows its own rationale while maintaining a continuous interaction with domestic legal systems. Norms circulate across borders and give rise to a form of transnational legality that operates alongside national orders without entirely displacing them.

This configuration produced a regulatory scheme with features commonly linked to a legal system. FIFA sets core rules that structure global competition. UEFA, CONMEBOL and CONCACAF supplement that framework with regional regulations. The Court of Arbitration for Sport issues decisions that clarify and adjust general principles of sports governance. Taken together, these actors shape a transnational regime whose authority rests on consistent practice and acceptance by those subject to it (Foster, 2003; Duval, 2013). Coherence becomes visible when CAS develops standards on the proportionality of sanctions, the protection of competition integrity or the evaluation of technological evidence. The regime does not attempt to displace domestic law. It sets the internal logic through which football institutions take decisions and resolve disputes in a market characterised by cross-border movement of workers, capital and competitions.

Sporting autonomy underpins this arrangement. Federations regulate their own affairs as long as they respect principles recognised by national legal systems. The notion of implied consent in physical contact and the doctrine of permitted risk define the limits of criminal responsibility on the field of play. Injuries suffered during normal participation are assessed within a specific normative framework because players

accept types of risk that would be unacceptable in everyday life (Gardiner et al., 2017; Greenfield & Osborn, 2018). Those limits are not absolute. Conduct that departs from the ordinary logic of the game can trigger the application of state criminal law. Courts in Europe and Latin America tend to examine the foreseeability of harm, the competitive context and the degree of deviation from expected behaviour. These decisions make visible the tension between the internal reasoning of sport and the protective role of the state.

Football operates on several institutional levels. FIFA provides the global structure and baseline rules. Confederations exercise significant regulatory authority in areas such as competitions, licensing and financial control. National associations adapt and apply these norms within domestic contexts. Overlaps and conflicts inevitably appear and require coordination. CAS performs this function by resolving disputes and articulating broader standards of reasonableness, proportionality and procedural fairness. Financial decisions in Europe, disciplinary cases in South America and transfer disputes in Africa or Asia tend to converge around principles shaped by the tribunal over the past two decades (Mavromati & Reeb, 2015). The stabilising effect of this jurisprudence is especially visible in disputes where political, financial and sporting interests intersect, and contributes to the perception of a consolidated transnational legality.

Technological systems now influence officiating and disciplinary review in ways that intensify juridification. Evidence is generated and preserved through new methods and referees must respond to changing expectations from institutions, players and spectators. The Video Assistant Referee combines human judgement with digital review and modifies the foundations of refereeing. Standards emerge for interpreting footage, defining thresholds for intervention and allocating responsibility when technical processes malfunction. Legitimacy, which once depended primarily on the authority of the referee on the pitch, increasingly depends on the accuracy and consistency of technological tools (Mavromati & Reeb, 2015). Federations are therefore required to revise procedures, improve transparency and adapt rules to the demands of digital decision-making.

This study examines the legal and institutional configuration of football in the early 2020s. The regulatory system had consolidated its basic architecture yet continued to face debates on autonomy, technological governance, transnational adjudication and criminal responsibility. Conceptual, jurisprudential and institutional perspectives are combined to show how the different layers operate in practice. CAS awards, the regulatory production of UEFA, CONMEBOL and CONCACAF, the integration of technology in officiating and the shifting boundary between sporting self regulation and state oversight receive detailed attention. Football appears as a practical setting in which to observe transnational legal processes and its governance remains an important object

of analysis.

Chapter 2

The *lex sportiva* as a transnational legal system

Football governance developed a regulatory order with a degree of internal coherence that became increasingly visible during the early twenty-first century. International federations produced the core rules. Regional confederations shaped procedures and decision-making structures. The Court of Arbitration for Sport gradually refined the underlying principles. Authority emerged from sustained practice within a global market of labour, capital and competition. No single codified instrument captures the regime. Its substance lies in a network of regulations, principles and procedures that adapt to the changing demands of professional sport (Foster, 2003).

Normative output arises from several institutional layers. FIFA requires uniform rules on transfers, eligibility and disciplinary enforcement. UEFA, CONMEBOL and CONCACAF build continental frameworks that incorporate global standards while adjusting them to regional contexts. National associations apply these norms domestically and introduce additional rules for officiating, sanctions and licensing. Principles move vertically and horizontally. They are interpreted and adjusted to local conditions while retaining broad consistency. A common legal vocabulary forms and expectations regarding procedural fairness, proportionality in sanctions and institutional accountability tend to converge (Duval, 2013).

CAS jurisprudence exerts a shaping effect on this system. Decisions on disciplinary measures, eligibility and financial supervision articulate standards on proportionality, legal certainty and procedural guarantees. These standards are absorbed by federations and confederations through statutory amendments, internal guidelines and everyday decision-making. Repetition across cases produces a gradual accumulation of precedent. This form of development distinguishes the emerging *lex sportiva* from the unwritten *lex ludica* associated with the conduct of play and embeds principles of sound governance across sports (Foster, 2005; Mavromati & Reeb, 2015).

Taken together, these actors shape a transnational regime whose authority rests on consistent practice and acceptance by those subject to it (Foster, 2003; Duval, 2013). Coherence becomes visible when CAS develops standards on the proportionality of sanctions, the protection of competition integrity or the evaluation of technological evidence. Scholarly examination of arbitration in sport has shown how this dispute resolution mechanism contributes to the stability of the broader regulatory framework (McArdle, 2015).

Sporting autonomy remains central yet operates within a set of transnational constitutional constraints. These constraints do not originate in a sovereign legal mandate. They arise from institutional expectations of rational and fair decision-making. CAS may annul sanctions when procedural guarantees are not met. It may require predictable financial frameworks and may refine disciplinary criteria that appear inconsistent. Principles acquire a status above ordinary regulations and grow into reference points for decision makers. The system resembles other transnational regimes in which dialogue between institutions produces an emergent form of constitutional ordering. Football reflects this tendency through greater transparency, increased attention to proportionality and fuller opportunities for defence in disciplinary proceedings.

Technological integration modifies the structure of the regime. Video review systems introduce new forms of evidence and reshape the sequence of decision-making. Protocols determine when a digital review may correct an on-field assessment and how the reliability of technological tools should be evaluated. Questions arise about the threshold for intervention and the allocation of responsibility when processes malfunction. Digital performance and biometric data expand the sphere of evidentiary material and require new safeguards relating to authenticity and consistency. Regulatory bodies must adapt their procedures in response to these developments and juridification intensifies (Mavromati & Reeb, 2015; CAS, 2018/A/6040).

The *lex sportiva* endures through institutional practice, acceptance by stakeholders and the coherence generated by arbitral adjudication. Stability depends on balancing autonomy with accountability, flexibility with predictability and innovation with procedural safeguards. The scale and economic complexity of football heighten these demands. The system must preserve competitive integrity, protect athletes and maintain the confidence of clubs, commercial partners and supporters.

This regulatory order is not isolated from wider transnational processes. It interacts with state law and sometimes creates tension. Authority arises from functional competence rather than sovereign command. Development takes place through gradual refinement rather than formal legislation. The system absorbs the coordination costs required to sustain global coherence.

Football's *lex sportiva* illustrates a model of interconnected governance within glob-

alisation. No central authority presides over all decisions. Legitimacy is constructed through mutual recognition and shared normative expectations. The regime supports a multi-billion-euro industry through distributed expertise rather than hierarchical control and applies common principles across diverse cultural and economic settings. It shows that effective global regulation depends on calibrated interdependence rather than structural dominance.

Chapter 3

Global governance of football

Football governance in the early twenty-first century took shape as a system with multiple centres of authority. Power is distributed across global, continental and domestic levels without formal hierarchy. FIFA acts as the main organising force and establishes the core rules that structure international competition. It sets standards on eligibility, player movement and disciplinary enforcement. Regional confederations hold substantial regulatory capacity. They develop adjudicatory bodies, create specialised committees and adjust global norms to the needs of their own tournaments. Overlaps between jurisdictions require sustained coordination, since competitive integrity at the global level depends on continuous alignment among these actors.

FIFA concentrates areas in which complete uniformity is indispensable. Regulations on transfers, protections for minors and the organisation of competitions allow clubs, associations and confederations to operate within a predictable framework. The Transfer Matching System facilitates transparency in contracts, restricts illicit practices and makes the international movement of players verifiable. Through these mechanisms FIFA regulates financial flows that move across borders and links the global labour market with domestic competitions and sanctioning systems. Its regulatory framework functions as the structural backbone of international football.

UEFA developed a particularly influential regulatory profile, especially in matters of financial oversight. Club licensing requirements and monitoring mechanisms promote financial stability, reduce disparities and increase administrative professionalism. Techniques drawn from economic regulation and corporate governance have been adapted to the sporting sector. CAS decisions interact with these structures by refining ideas of proportionality, procedural fairness and evidentiary assessment. Institutional design and arbitral interpretation influence one another. European football therefore operates as a testing ground for doctrines intended to preserve competitive balance in an environment shaped by major financial pressures (UEFA, 2022).

CONMEBOL experienced major organisational change during the second decade of

the century. Updated governance structures, clearer electoral processes and stronger disciplinary systems emerged as responses to the intensity of competition in the region and the social weight of the sport. More detailed procedures and appellate bodies now sit alongside broader transnational standards. High profile controversies involving crowd violence, institutional responsibility and operational failures highlight the need for decisions based on transparent and impartial criteria.

CONCACAF has moved toward greater organisational stability. Compliance programmes, ethical commitments and harmonised procedures have expanded across the region. Previous deficits in transparency made institutional reform unavoidable. Regional tribunals and standardised processes enhance the reliability of decision-making. Stronger links with FIFA are essential because member states vary widely in legal traditions and professional structures. General norms therefore interact with local conditions through ongoing negotiation.

These regulatory layers meet at multiple points. Conflicts involving several jurisdictions or transnational claims often go beyond the capacity of internal bodies. CAS provides the element of integration. Its decisions clarify how the different layers should operate together and outline standards relating to sanctions, procedural guarantees and limits on discretionary power. The influence of these decisions spreads through the system. Expectations among institutions become more aligned and fragmentation diminishes (Casini, 2011; Latty, 2011). CAS functions as a stabilising centre within a varied regulatory landscape.

This overall structure shows that football's regulatory order operates as a form of networked constitutionalism. Authority is produced through functional interdependence rather than through sovereign control. FIFA provides the essential global elements. Confederations mediate regional adaptation. National associations translate those norms into domestic contexts. CAS offers a coordinating perspective that draws these strands together. The system accepts the coordination costs necessary to maintain global coherence.

Football governance therefore illustrates a model of polycentric regulation in a globalised environment. No single institution governs the entire field. Coherence arises from mutual recognition and shared normative expectations. The regime supports a vast international industry through distributed expertise instead of centralised command. Common principles adapt to different cultural and economic conditions while retaining their structure. The sport demonstrates that effective global organisation depends on measured interconnection rather than rigid hierarchy.

Chapter 4

Technological justice in modern football

Technological systems have altered the structure of football governance in ways that reach far beyond the correction of officiating mistakes. Digital review tools combine human perception with technical verification and reshape how decisions are formed. The Video Assistant Referee illustrates this shift and carries wider implications for the organisation of evidence and authority within the sport. Digital layers now sit alongside traditional on-field judgement. Institutions therefore reassess accuracy, reliability and legitimacy within the broader regulatory framework. Disciplinary bodies and arbitral tribunals respond by developing clearer methods for handling audiovisual material. These developments contribute to the broader process of juridification.

The nature of evidence has changed. Earlier reliance on direct observation has given way to the systematic examination of digital sequences. Panels now consider the clarity of the recording, the continuity of the images and the stability of the technology used to capture them. Algorithmic mediation adds variables that do not arise in unassisted perception. Federations issue protocols that set out the relative importance of different forms of evidence and define the circumstances in which intervention is justified. Transparency and consistency have become central requirements, although the unpredictability of play ensures that not all situations can be resolved through technical means alone.

The use of VAR expands the scope of post-match disciplinary review. High quality recordings allow officials to revisit incidents with a degree of detail that was not previously possible. Acts of violence, simulation and off-the-ball behaviour are often reassessed. Panels must determine whether conduct remained within the bounds of risk accepted in contact sports or crossed into prohibited aggression (Gardiner et al., 2017). These assessments involve more than factual reconstruction. They require a normative evaluation of the essence of sport and of proportionality in sanctioning, es-

pecially when decisions have significant consequences for professional careers. The spread of digital evidence heightens interpretive responsibility and calls for stronger procedural safeguards.

Technological reliability presents further challenges. Errors in calibration, operator mistakes or technical limitations can affect outcomes. Regulators establish frameworks to distinguish between mistakes by referees, operational failures and shortcomings attributable to governing bodies. When technical malfunction threatens the fairness of a match, clarity becomes essential in determining responsibility. Digital rationality must operate within structures of legal accountability. Transparent procedures identify who bears responsibility and how errors are addressed.

The role of the referee has been redefined. Decision-making authority no longer rests solely on human judgement. Technical support can correct errors but also changes expectations of perceptual accuracy. Legitimacy now rests on the neutrality of the officials and the dependability of the systems that support them. The demand for precision increases scrutiny of both the human and technological components of adjudication. The institutional expectation therefore shifts towards decisions that can be verified through transparent procedures rather than decisions that rely entirely on unassisted perception (IFAB, 2022; CAS, 2020/A/6785).

Digital systems influence the development of the *lex sportiva*. New principles govern the interaction between humans and machines, the treatment of digital evidence and the obligations of institutions when using technological tools. These principles alter disciplinary rules, intervention criteria and duties related to fairness. The transnational regime demonstrates significant adaptive capacity. Technological integration affects not only the adjudication of matches but the wider structure of governance.

The relationship between human judgement and algorithmic verification is recursive. Digital review does not replace intuition. It adds constraints and expectations that shape how decisions are made. The system absorbs the potential costs of error that would otherwise undermine competitive integrity. Reliability becomes a normative expectation that rests on transparency rather than on the idea of flawless human perception.

Football offers a view of regulatory processes in the digital era. Hierarchies of evidence resemble those found in other sectors influenced by algorithmic decision-making. Proportionality applies not only to sanctions but also to technological intervention. The playing field becomes a setting in which the tension between the speed of the game and the structure of computation is managed. The *lex sportiva* incorporates elements of digital constitutionalism while retaining the core attributes of the sport. The regime maintains fairness in a global entertainment industry of considerable economic scale by prioritising verifiable and transparent decision-making.

Chapter 5

Rules of the game, violence and criminal law

The football pitch constitutes a singular normative enclave. Physical confrontation, acute rivalry and instantaneous judgement distinguish it from ordinary social intercourse. Regulation persists. Bodily contact and risk expectations undergo recalibration. Football accommodates intensities unparalleled elsewhere. Participants, officials and governing entities share this normative consensus. The laws of the game demarcate permissible interaction. Conduct that external contexts would classify as injurious acquires legitimacy within competitive parameters. Internal normativity refracts actions that might otherwise attract criminal or civil liability (Greenfield & Osborn, 2018).

Implied consent sustains the entire edifice. Players internalise risks intrinsic to the sport's architecture. Consent manifests through sustained participation and collective comprehension of reasonable contact. Harm boundaries embed in cultural conventions and competitive rationality (Gardiner et al., 2017). Risk tolerance endures provided actions remain tethered to ball progression and sporting logic. Criminal jurisdiction recedes. It exempts injurious yet professionally bounded behaviour.

Criminal prosecutions for on-field violence remain exceptional. Judicial analysis respects the sport's internal framework. Courts examine functional integration with gameplay and foreseeability of harm. A ball-directed challenge, though excessively forceful, falls within disciplinary purview. Intentionality towards legitimate sporting objective determines allocation. Negligent execution within play confines retains internal resolution. Criminal intervention activates only upon irreparable deviation from competitive rationale incompatible with consent. Manifest intent to injure or complete detachment from match dynamics breaches the threshold.

Consent protection extends broadly yet encounters finite limits. The demarcation hinges on causal nexus to gameplay. Off-ball assaults, retaliatory gestures or uncontrolled aggression transcend the boundary. Harm extraneous to the implicit compact

invites state scrutiny. Judicial evaluation incorporates harm foreseeability, normative deviation magnitude and alignment with sporting ethos. Disciplinary and criminal regimes interlock rather than antagonise. Conduct signification derives from its institutional embeddedness (Greenfield & Osborn, 2018).

European and Latin American jurisprudence diverge in emphasis yet converge substantively. Continental benches prioritise functional linkage to contest dynamics. Latin American tribunals accentuate football's cultural saturation and communal tolerance for aggression. Intentionality or absolute disconnection triggers liability across both traditions. Catastrophic injury litigation occasionally penetrates criminal courts. Convictions constitute anomalies. Sporting autonomy commands deference. State guardianship activates exclusively for violence exceeding professional parameters.

The interplay between disciplinary autonomy and criminal oversight generates irreducible tension. *Lex sportiva* defends internal rationality and competitive sanctity against external intrusion. Criminal law prioritises corporeal integrity and public tranquillity. Reconciliation demands granular appreciation of consent mechanics in adrenalised contexts and calibrated risk perceptions. *Lex sportiva* influences judicial cognition. Domestic constitutional principles circumscribe autonomy's perimeter. The resultant framework synthesises both through jurisprudential accretion, institutional adaptation and evolving societal attitudes toward athletic violence.

Violence adjudication in football unveils a probabilistic consent model. Risk acceptance operates as expected utility calculation: players price foreseeable harm into participation value. The model collapses when actions introduce variance outside the agreed distribution. Off-play aggression injects unpriced externalities that disrupt mutual advantage. Criminal law intervenes not to punish sport but to enforce the game-theoretic equilibrium that makes football viable. Internal discipline handles variance within the curve. State power corrects outliers that threaten systemic collapse. This division preserves the sport's kinetic essence while anchoring it to universal bodily protection.

The regime demonstrates structural sophistication. Consent functions as dynamic boundary rather than static waiver. Criminal non-intervention constitutes affirmative recognition of sporting exceptionalism, not abdication of public duty. Disciplinary primacy internalises conflict costs that would overwhelm state apparatus. The hybrid preserves football's cultural autonomy while embedding it within constitutional constraints. European caution and Latin American contextualism reveal not contradiction but adaptive application of universal principles to local normative densities. The pitch remains sovereign yet constitutionally accountable.

Chapter 6

Sports disciplinary law

Sports disciplinary law forms one of the central pillars of football governance. It defines institutional responses to behaviour that threatens competitive integrity and establishes the procedures through which accountability is enforced. Codes of conduct, evidentiary rules and guiding principles shape expectations for participants and decision makers. This framework differs from criminal and civil models because its primary aims are the preservation of competitive balance, the protection of participants and the safeguarding of public trust. It seeks predictability and coherence while allowing sufficient flexibility to accommodate the volatility inherent in the sport. Institutional development reflects ongoing efforts to balance the internal logic of football with wider requirements relating to fairness, transparency and proportionality (Gardiner et al., 2017).

Legitimacy depends on procedural reliability. Clear communication of charges, access to evidence, impartial adjudication and reasoned decisions form the core of this reliability. As disciplinary systems became more juridified, clubs and athletes increasingly relied on guarantees similar to those found in administrative and arbitral proceedings. Federations and confederations incorporated these protections into their rules. CAS strengthened the framework by setting aside sanctions that failed to meet minimum standards and by articulating principles that emphasise audibility, consistency and clarity in reasoning (Mavromati & Reeb, 2015). Predictability within the system increased as a result, and disciplinary decision-making moved closer to public law standards.

The adjudicatory structure operates across several levels. FIFA deals with matters that exceed national boundaries. UEFA, CONMEBOL and CONCACAF manage regional cases. National associations handle domestic disputes. Decisions circulate between these bodies and occasionally require alignment. Confederations search for an equilibrium between uniform interpretation and sensitivity to regional realities. Domestic authorities incorporate global rules into national contexts. This interaction contributes

to a shared disciplinary vocabulary that eases interpretation and reduces the risk of fragmentation (Casini, 2011).

Proportionality guides the design and application of sanctions. It takes into account the seriousness of the offence, the circumstances surrounding the incident and the wider effects on individuals and institutions. The inquiry extends beyond a simple comparison of numerical penalties. It considers how sanctions preserve order within the competition and deter future misconduct. CAS has helped refine proportionality by examining precedent, evaluating the quality of reasoning and assessing expectations created by prior decisions. This principle protects the credibility of the system and ensures that disciplinary measures remain aligned with fairness.

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Ensuring consistency across jurisdictions remains challenging. Similar incidents may arise in different competitions under varying conditions, with distinct evidentiary resources and time constraints. Speed, diversity and local context lead to variation. CAS jurisprudence provides a stabilising force by offering interpretive reference points that guide institutional reasoning. While formal precedent does not bind decision makers, persuasive authority shapes practice and encourages alignment with emerging expectations concerning fairness, legitimacy and due process (Duval, 2013).

The disciplinary framework reveals a finely balanced system of governance. Sanctions are not limited to retrospective punishment but aim to guide conduct and support the integrity of the sport. They reflect football's dual character as a global spectacle that requires order and as a fast-moving contest that resists rigid control. Proportionality functions as a limit on disciplinary excess, preventing measures that would distort the competition they are intended to protect. The principle that outcomes should be decided on the pitch ensures that administrative action supports athletic merit rather than replacing it. CAS transforms individual decisions into reference points for future cases and reinforces coherence within a dynamic environment.

Football's disciplinary law demonstrates features typical of transnational regulation.

Authority stems from functional expertise rather than from sovereign command. Institutions preserve their autonomy by adhering to commonly accepted principles and through continuous doctrinal refinement. Coherence arises from repeated interaction rather than from hierarchical oversight. Consistency is understood as commitment to fair procedure and shared purpose rather than as identical results across cases. This combination of flexibility and structured reasoning enables football to govern a global industry of considerable scale while maintaining the unpredictable and competitive character that defines the sport.

Chapter 7

Labour and contractual regulation of professional players

Labour relations in professional football function within a regulatory environment that differs substantially from ordinary employment markets. Fixed term contracts, the commercial value of player mobility, competition between clubs and the need for coordinated calendars produce a distinctive system. Athlete security interacts with the operational demands of clubs, which depend on stable squads and predictable planning despite fluctuating performance, injury risk and market valuation. General labour law establishes baseline protections, fair bargaining conditions and remedies. Sporting regulations add another layer designed to preserve economic coordination and competitive balance (Foster, 2003).

Modern labour regulation in football is shaped by the ruling in Bosman (CJEU, 1995). The Court eliminated nationality quotas and post-contract retention mechanisms, framing player mobility as a fundamental freedom within the European legal order. Fixed-term contracts and training compensation remained permissible only when they pursued legitimate sporting aims and met proportionality requirements. CAS applied these principles when assessing disputes, ensuring that contractual stability does not operate as a disguised form of restraint (Duval, 2016).

Contracts bring certainty to an otherwise volatile profession. They set out remuneration, performance bonuses, image rights, training expectations and termination conditions. Labour rules and sporting rules operate together. Validity depends on registration, compliance with competition regulations and adherence to eligibility requirements. Fixed terms offer financial planning for clubs and career continuity for players. Conflicts arise when performance changes or squad restructuring undermines the relationship. Termination disputes centre on just cause, medical incapacity or disciplinary breaches. CAS examines the seriousness of the conduct or the underlying circumstances to determine whether unilateral dissolution is justified (Mavromati &

Reeb, 2015).

Transfers form a secondary market that is central to football's economy. Clubs negotiate release fees and other contractual arrangements that facilitate movement. FIFA requires transparent documentation, defined transfer periods and safeguards against manipulation. Because this activity crosses many legal systems, international instruments play a key role in harmonising practice.

The Transfer Matching System improves transparency. Both clubs enter identical information about a transaction, creating a digital record available to FIFA and national associations. This reduces the possibility of concealed dealings and narrows informational gaps. It embeds a degree of algorithmic accountability into governance mechanisms, which enables more effective review in subsequent disputes.

Training compensation and solidarity payments encourage investment in youth development. Clubs that form players receive compensation when those players make professional progress or move abroad at a young age. Solidarity payments distribute a portion of transfer fees to all clubs that contributed to training. These mechanisms foster the development of academies and address structural disparities. Disagreements nonetheless arise over calculation methods, evidence and exceptions. CAS resolves these matters while maintaining consistency and leaving room for contractual freedom (Latty, 2011).

Termination disputes expose the persistent tension between the need for squad stability and the rights of players to pursue their careers. Clubs require predictability to meet competitive commitments. Players retain fundamental employment rights. CAS evaluates the gravity of breaches, the fairness of remedies and the compensation required to restore expectations. Opportunistic departures are discouraged, but player autonomy is maintained within limits that protect the collective functioning of the sport (Duval, 2013). Intermediaries play a central role in contract negotiation. Licensing requirements, conflict of interest rules and transparency obligations are designed to curb abusive practices. Rising transaction values generate disputes over commissions and representation duties. CAS addresses issues relating to agency agreements, fiduciary responsibilities and distribution of payments. This helps align the intermediary market with principles of fairness and accountability.

The contractual framework reveals a broader structural logic. Labour regulation operates as a mechanism for balancing competing interests. Fixed term contracts prevent indefinite control while allowing clubs to manage uncertainty. Transfer activity promotes liquidity while safeguarding development incentives. Compensation systems distribute value back to formative settings and correct market failures. Player autonomy exists within a structured environment that preserves the viability of the sport as a whole. This calibrated approach differentiates football from unregulated labour mar-

kets.

CAS and domestic labour courts function together. CAS contributes uniformity across jurisdictions. National courts protect non-derogable worker rights. Deference is common but not unconditional, particularly when disputes raise issues of fundamental rights. The outcome is a hybrid model in which the *lex sportiva* operates within a broader legal continuum that requires constant adjustment (Foster, 2003).

The overall structure illustrates that global labour markets in high value industries require mixed forms of governance. State regulation alone lacks the specialised insight needed for this sector. Pure private ordering risks exploitation. Football combines technical expertise with general legal protections. Contractual stability enables planning. Mobility prevents excessive control. Compensation mechanisms support training and reduce inequality. The system allows a major global industry to operate while preserving the status of the player as a worker with rights rather than as a purely commercial asset.

Chapter 8

Fundamental rights in football

Football governance increasingly overlaps with constitutional and human rights norms. The scale of the sport means that decisions taken by private bodies can affect individual freedoms, economic opportunities and personal dignity. Athletes, coaches and officials face restrictions relating to conduct, expression, movement and the treatment of personal data. These restrictions must be compatible with domestic constitutional guarantees and with wider human rights standards. Private rules therefore acquire effects similar to public regulation. Institutions adopt principles associated with legality, proportionality and non-discrimination, and the playing field becomes a setting in which broader legal ideas are tested and applied (Casini, 2011).

The principle of legality underpins the legitimacy of sanctions. Rules must be adopted in advance, must be accessible and must set out prohibited conduct with sufficient clarity. Retroactive penalties or vague offences undermine this standard. Disciplinary codes have become more detailed to ensure that players and clubs know what is expected of them. CAS requires a level of precision that supports predictable conduct and strikes down provisions that fail to meet this threshold (Mavromati & Reeb, 2015). Legal certainty therefore limits institutional discretion and contributes to stability in a rapidly changing competitive environment.

Proportionality and equality safeguard against arbitrary disciplinary measures. Sanctions must correspond to the seriousness of the conduct, the context in which it occurred and the objectives of the regulatory system. Similar acts should be treated consistently across competitions and jurisdictions. CAS applies proportionality by assessing the gravity of the incident, the factual circumstances and the purpose of the rule. Decisions that diverge from these criteria risk annulment. Public law reasoning thus influences private disciplinary processes (Duval, 2013).

Technological developments have transformed the treatment of personal data. Clubs collect information about workload, physiological condition, medical history and performance. These data sets circulate among coaching staff and, in some

circumstances, commercial partners. Predictive technologies increase the capacity to evaluate performance and career progression. European data-protection law and FIFA's player-data framework require a valid legal basis, transparency, secure handling and safeguards appropriate to the sensitivity of the information. Innovation in this area must protect the autonomy of the athlete and ensure that technological capacity does not override personal rights (European Union, 2016; FIFA, 2022).

Freedom of expression also presents challenges. Codes of conduct regulate statements about officiating, opponents, organisational decisions and public issues. Their purpose is to maintain competitive harmony and protect the integrity of institutions. Constitutional protections nevertheless require that restrictions must pursue legitimate sporting aims, remain proportionate and avoid unnecessary interference. CAS and domestic courts generally uphold limits only where they meet these criteria. The rise of social media increases the difficulty of distinguishing between personal views and professional responsibilities, which makes principled boundary drawing essential.

Protection of minors is a central concern. FIFA restricts international transfers involving children to prevent exploitation and disruption of development. Domestic law adds further requirements, including educational continuity and guardianship safeguards. These rules reflect a commitment to prioritising welfare over commercial interests. Disputes often reveal the tension between offering genuine opportunities and shielding young players from predatory practices (Foster, 2003).

The growing influence of constitutional and human rights norms in sport reflects broader structural change. Private organisations exercise authority that has public consequences. Alignment with human rights standards becomes unavoidable. CAS incorporates reasoning grounded in dignity, privacy and equality when resolving disputes concerning sanctions, eligibility or data. Fundamental rights place limits on institutional discretion and shape interpretation. The *lex sportiva* gains depth by embedding itself within a wider legal framework.

Institutional authority in football depends on the ability to integrate external rights-based constraints while maintaining the practical autonomy needed to regulate the sport. The system shows that complex global activities can be governed through private ordering when they acknowledge their public responsibilities. Human rights do not undermine the specific nature of sport. They refine it. Players therefore appear not as passive objects of regulation but as holders of rights within an emerging transnational constitutional order. Football provides an early example of the regulatory dynamics that characterise globalisation in the digital era.

Chapter 9

The Court of Arbitration for Sport (CAS)

The Court of Arbitration for Sport became the central forum for resolving international sporting disputes during the early twenty-first century. The expansion of the global sports industry, together with rising technological complexity and increasingly detailed regulation, generated conflicts that exceeded the capacity of individual national courts. CAS operates outside domestic judicial hierarchies while drawing procedural inspiration from public law and international arbitration. This hybrid structure enables it to exercise authority across borders. Its awards accumulate and help define the contours of the *lex sportiva*. Legitimacy grows through consistency of decision-making and acceptance by the institutions and individuals subject to its jurisdiction rather than through formal delegation by any state.

Procedural integrity is the foundation of CAS credibility. Parties must receive timely notification, access to relevant evidence and the opportunity to present their case. Panels must be impartial and adequately constituted. Awards set out facts and reasoning with a level of detail that supports transparency and review. As the stakes in sport increased, the tribunal strengthened its procedural standards. Fairness aligns with transnational expectations and addresses concerns about the privatised nature of the forum. This body of procedural doctrine influences how federations and confederations design and refine their own processes.

Interpretation constitutes the tribunal's strongest form of influence. Although awards are not formally binding as precedent, they guide decision-making across the sporting world. Principles articulated in CAS decisions shape disciplinary rules, transfer systems and eligibility criteria. Jurisprudence develops through repeated application of shared concepts, turning arbitration into a central source of normative guidance. Expectations across jurisdictions gradually align under this framework.

Domestic courts retain a supervisory role. They generally defer to CAS autonomy

and intervene only when procedural failure or conflicts with public policy arise. Such interventions are rare and confirm that private adjudicatory systems operate within boundaries set by state legal orders. The relationship is characterised by practical cooperation rather than strict hierarchical separation. Jurisdictional limits emerge through this interaction.

Football represents the largest and most diverse segment of CAS work. Disputes about transfers, training compensation, contract termination and licensing requirements appear regularly. Incidents involving violence, discrimination or doping are examined according to standards of proportionality, transparency and due process. High profile decisions reinforce institutional stability during periods of political or financial uncertainty.

Technological evidence creates new challenges for adjudication. Video recordings require assessment of image clarity, timing and the potential for misinterpretation. CAS has developed criteria to evaluate such material and has outlined the evidentiary weight of digital resources. These guidelines assist disciplinary bodies in integrating technology while maintaining procedural balance and coherent reasoning.

Global sport is marked by regulatory diversity. CAS functions as the point of integration in this setting. Coherence arises from doctrinal consistency and confidence among stakeholders rather than from imposed hierarchy. Fragmentation diminishes as common principles circulate through the system. Authority depends on functional interdependence and alignment of normative expectations, illustrating a form of transnational legal ordering (Latty, 2011; Casini, 2011).

The structure and influence of the tribunal provide insight into governance in complex environments. Effective adjudication in a fragmented system does not require monopolistic control. Influence arises from expertise, impartiality and the ability to articulate principles that guide future interactions. CAS shows that legitimacy in polycentric institutional settings develops when dispute resolution simultaneously addresses immediate conflicts and reinforces the underlying rules that enable cooperation. In doing so, the tribunal converts arbitration into a form of constitutional practice and provides stability within a diverse and dynamic global regime.

Chapter 10

Non-football landmark cases shaping CAS doctrine

The evolution of CAS doctrine has been shaped by disputes arising across a wide range of sports. Principles that now structure the *lex sportiva* often emerged first in cases unrelated to football. Ideas concerning due process, evidentiary standards, equality, dignity and proportionality developed in these settings and later migrated into football adjudication. The tribunal's cross-disciplinary jurisdiction allows concepts forged in one sport to influence the regulatory structures of another, which produces a unified normative landscape that does not depend on the specific characteristics of a single discipline (Duval, 2013).

The proceedings involving Claudia Pechstein and the International Skating Union revealed structural concerns regarding arbitral independence. The dispute began with a doping sanction in speed skating and later led to litigation in German courts concerning the nature of consent to arbitration and the composition of panels (CAS, 2009/A/1912 & 1913). Subsequent reforms enhanced transparency and strengthened procedural guarantees. These safeguards now influence disciplinary proceedings in football, where the consequences of sanctions may include severe reputational and financial harm (Foster, 2003). The case also examined the practice of long-term biological monitoring, which highlighted tensions between evidentiary innovation and privacy. This debate carries implications for football, particularly in matters involving biometric data and eligibility.

The case concerning Caster Semenya addressed the relationship between scientific classification and human rights. Regulations governing differences of sex development raised questions about equality, privacy and bodily autonomy. CAS upheld the regulations while acknowledging their discriminatory character and the serious concerns associated with their implementation (CAS, 2018/O/5794 & 5798). This reasoning remains relevant to football governance when eligibility rules engage medical infor-

mation, gender classification and the limits of institutional intervention in an athlete's body.

Boxing provides further doctrinal building blocks. In the proceedings concerning Serik Konakbayev and the AIBA Election Committee, CAS reviewed the rejection of nominations submitted in support of a candidate for the AIBA presidency. The tribunal upheld the appeal and required the candidate's inclusion after finding that valid expressions of support had been excluded through an unduly rigid application of the election procedure (Court of Arbitration for Sport, 2018). The decision illustrates how procedural fairness can constrain private sporting bodies in matters of institutional governance, not only in disputes arising from competition results.

These cases have shaped the way CAS panels approach football disputes. Questions of independence, the right to be heard and the balance between regulatory objectives and individual rights now reflect lessons learned in other sports (Casini, 2011). Challenges involving long suspensions, eligibility criteria, discrimination and the use of biometric information often rely on principles refined in non-football contexts. Cross-sport jurisprudence therefore ensures that decisions rest on a consistent and carefully developed foundation.

The cumulative effect of these precedents strengthens the regime. Procedural standards become more precise. Sensitivity to human rights concerns grows. Proportionality gains depth through repeated application. Federations and confederations adjust their regulations in response to these developments. Football, given its global visibility, has incorporated these refinements rapidly. CAS facilitates this dialogue across sports, and the *lex sportiva* gains coherence through ongoing interaction. What began as isolated disciplinary mechanisms evolves into a broader legal structure that connects diverse sporting domains and supports a more stable and principled regulatory system.

Chapter 11

The three most influential football cases in CAS history

Football generates some of the most complex disputes heard by CAS. The scale of the industry, the intensity of competition and the scrutiny applied to regulatory decisions mean that certain awards extend well beyond the resolution of individual conflicts. They shape the development of the *lex sportiva* by clarifying procedural standards, refining evidentiary expectations and defining the limits of autonomy. Three cases illustrate the tribunal's influence on modern football governance.

The dispute involving Manchester City and UEFA concerned the application of financial fair play rules. After allegations of inflated sponsorship income, the initial decision imposed a two-year exclusion from continental competition and a substantial fine. CAS set aside the exclusion and reduced the financial penalty (CAS, 2020/A/6785). The tribunal examined limitation periods, the sufficiency of the evidence and the club's failure to cooperate with the investigation. The award reinforced the need for clear proof and traceable financial documentation, while distinguishing substantive allegations from procedural non-cooperation. The decision contributed to more precise expectations for financial oversight.

The appeal brought by Boca Juniors against CONMEBOL followed the suspension of the 2018 Copa Libertadores final after an attack on the visiting team's bus. Boca sought an order declaring the match forfeited. CAS declined to award the title administratively and confirmed that organisational failures could justify disciplinary consequences without necessarily producing a retrospective alteration of the sporting result (CAS, 2018/A/6040). The decision reinforced the exceptional character of administrative changes to match outcomes and highlighted the importance of risk management, venue safety and operational planning for high-profile fixtures.

The case involving Luis Suárez at the 2014 World Cup required the tribunal to assess the scope of disciplinary sanctions. FIFA imposed a four-month prohibition bar-

ring the player from matches, training and all football-related engagement. CAS upheld the competitive ban but overturned the wider restrictions (CAS, 2014/A/3665). The tribunal reasoned that suspensions must bear a direct connection to the protected interest. Exclusion from competition was proportionate to the misconduct. Preventing training and professional integration extended beyond what was necessary. The ruling reinforced the principle that sanctions must address the specific harm without imposing undue collateral consequences on employment.

Two additional cases broaden the doctrinal picture. In the decision involving Michel Platini, CAS reduced the length of an ethics ban after reassessing the evidence and the proportionality of the sanction (CAS, 2016/A/4474). In Paolo Guerrero's doping case, the tribunal examined the source of the prohibited substance and the appropriate consequences under the anti-doping framework (CAS, 2018/A/5571). Both decisions emphasised careful evaluation of evidence and the need to relate sanctions to the applicable regulatory purpose.

Taken together, these awards have significantly influenced the regulatory landscape of football. Financial governance now demands detailed evidentiary support. The integrity of match outcomes is protected from administrative interference. Disciplinary sanctions must respect the relationship between deterrence and labour rights. Ethical and anti-doping decisions incorporate more nuanced evaluations of intent and context. Through this iterative process the *lex sportiva* develops in a manner that reflects the economic weight, cultural significance and global reach of the sport (Duval, 2013).

The ruling in Bosman (CJEU, 1995), although decided outside CAS, remains the foundational moment in modern football labour law. It reshaped transfer rules across Europe and continues to influence the regulatory environment within which CAS operates (Duval, 2016).

Chapter 12

Lex sportiva and state law

Football governance operates through parallel systems of norms. Private regulation developed by federations and arbitral bodies functions alongside state law, which is grounded in constitutional authority and public legitimacy. The relationship is not hierarchical. Rules and principles circulate across jurisdictions and generate practical boundaries rather than clear subordination. Procedural guarantees, labour protections, privacy standards and safeguards for physical integrity move between these systems and shape the limits of autonomy in global sport. The *lex sportiva* gains coherence through institutional practice and shared interpretation, while state law asserts its primacy when public interests are at stake.

Sporting autonomy remains a defining feature of the system but depends on domestic oversight. States allow deference where regulatory expertise and competitive continuity require it. Intervention arises when matters implicate public order, criminal violence, essential labour protections or the misuse of personal data. Courts review situations involving coercive contractual conditions, resistance to arbitration or breaches of worker rights. Judicial restraint is common, yet autonomy is conditioned on respect for fundamental guarantees.

The procedural structure of transnational sports adjudication reflects principles often associated with public law. Transparency is essential because decisions affect the livelihoods of individuals across borders. Reasoned awards are necessary where legitimacy cannot rely on democratic authority. Impartiality protects against the risk of private bodies becoming captured by particular interests. These elements collectively strengthen internal procedures without eliminating the speed and technical expertise that make private adjudication effective. The result is a procedural model that legitimises private regulatory authority while remaining open to state scrutiny.

Labour relations demonstrate how private ordering and domestic law interact. The transfer system functions as a regulated market that manages externalities. Training compensation rewards investment in development. Transfer windows maintain com-

petitive balance. Player mobility remains possible without destabilising clubs or competitions. This balance operates within the limits set by domestic labour law. Practices that approximate servitude, suppress wages or undermine basic worker protections prompt state intervention. The viability of the market depends on respect for non-derogable aspects of worker dignity.

Criminal responsibility for conduct on the pitch illustrates the boundary where implied consent loses its force. Participation in football involves shared acceptance of foreseeable physical risk. This consent collapses when behaviour departs from game dynamics, introduces gratuitous harm or displays force wholly unrelated to play. State intervention functions to protect bodily integrity and to preserve the reciprocal constraints that allow the sport to operate. The doctrine therefore aligns criminal oversight with the structural logic of football as a cooperative competitive activity.

Data governance accelerates regulatory convergence. Clubs rely on performance analytics and biometric monitoring to guide training, transfers and injury prevention. The same information can be misused for commercial exploitation or discriminatory profiling. Regulation must preserve the benefits of technological insight while preventing the reduction of athletes to mere data sources. European data-protection law and FIFA's player-data framework emphasise lawful processing, transparency and safeguards against inappropriate uses of sensitive information (European Union, 2016; FIFA, 2022). Sporting bodies increasingly incorporate these standards into their systems, and the *lex sportiva* develops as part of the constitutional framework governing the digital athlete.

The institutional design of football governance reflects a broader pattern in transnational regulation. Authority in complex environments derives from functional complementarity rather than from exclusive control. State law provides indispensable guarantees related to public goods and individual rights. Private ordering supplies specialised knowledge, speed and adaptability. Neither system can regulate the global game alone. The *lex sportiva* exemplifies this complementarity by sustaining coherence through the continuous calibration of autonomy and accountability, and of organisational efficiency and human dignity (Casini, 2011; Latty, 2011).

Chapter 13

Synthesis and conclusions

Contemporary football governance reflects a regulatory structure shaped by the interaction of private authority, transnational adjudication and state oversight. The resulting system is multilayered and evolves through circulation of norms among federations, confederations and arbitral bodies. These norms gain authority through repeated application, institutional acceptance and interpretive coherence. The *lex sportiva* organises this circulation into a set of principles that govern disciplinary processes, contractual relations, technological integration and the protection of fundamental rights. Its legitimacy rests on the accumulated influence of CAS awards and the regulatory practices of international and regional institutions rather than on a single sovereign mandate (Casini, 2011).

CAS plays the central interpretive role in this plural environment. Its decisions articulate standards that shape regulatory discretion, refine proportionality and embed procedural guarantees across institutional levels. CAS does not exercise hierarchical control, yet its reasoning serves as a reference point for decision makers in Europe, South America and other regions. Through consistent interpretation, the tribunal contributes to the substantive development of the *lex sportiva*. It provides a stabilising core within a system that depends on shared normative guidance rather than formal constitutional structure (Latty, 2011).

The treatment of on-field violence illustrates the balance between sporting autonomy and criminal responsibility. The doctrine of implied consent permits a degree of risk inherent in competitive play. That consent remains limited by public interests related to bodily integrity. Conduct that breaks its connection to the logic of the game or demonstrates clear intent to injure exceeds internal norms and invites state intervention. This arrangement exemplifies the hybrid character of football governance, where private regulatory logic and public law operate together rather than in opposition. Both systems recognise that competitive integrity and physical protection complement one another (Greenfield & Osborn, 2018).

These developments demonstrate the adaptive capacity of the *lex sportiva*, which incorporates new forms of evidence while preserving procedural fairness and institutional legitimacy (Mavromati & Reeb, 2015; CAS, 2020/A/6785).

Labour regulation in professional football shows the challenge of balancing stability with individual autonomy. Transfer rules, training compensation mechanisms and termination standards create a structure designed to support competitive organisation while allowing player mobility. CAS jurisprudence has clarified thresholds for just cause, assessed breaches and determined compensation, while domestic courts protect essential worker rights. This interaction produces a coordinated system in which transnational consistency and domestic protections operate together to mitigate structural imbalances in the global player market (Foster, 2003).

The integration of privacy, equality and due process into sports governance signals a form of constitutionalisation. Private regulatory measures, whether disciplinary sanctions, eligibility rules or data practices, must be interpreted in light of broader rights frameworks. CAS increasingly applies reasoning grounded in dignity, privacy and equality. Domestic jurisdictions maintain authority to intervene when private adjudication fails to meet minimum standards. This convergence supports the legitimacy of football governance by aligning institutional discretion with public law principles and demonstrating that autonomy and accountability can coexist when institutions acknowledge the broader implications of their authority (Mavromati & Reeb, 2015).

This study relies on doctrinal analysis of CAS awards, regulatory texts and academic commentary. This method maps normative structures and jurisprudential developments but is limited to written sources. It does not examine empirical data, stakeholder perspectives or comparative implementation across jurisdictions. Future research of that kind would test claims regarding consistency, proportionality and institutional adaptation.

The trajectory of football regulation reflects a broader shift in transnational legal ordering. Authority arises from a network of institutions whose legitimacy depends on expertise, functional specialisation and shared normative expectations. Disputes concerning financial oversight, disciplinary proportionality, match integrity and technological integration show how individual controversies can reshape the wider regulatory system.

Football governance therefore occupies a structural position that is neither purely private nor fully public. It is constitutively transnational. Its coherence relies on reciprocal recognition among institutions, on the doctrinal role of CAS and on the capacity to adapt to technological and societal change while protecting the competitive character of the sport. The *lex sportiva* has become a mature normative order formed through practice rather than codification and sustained through the ongoing negotia-

tion of autonomy, fairness and the demands of global interconnection.

References

Casini, L. (2011). Global administrative law and the lex sportiva. *International Journal of Constitutional Law, 9*(3–4), 596–627. https://doi.org/10.1093/icon/mor036

Court of Arbitration for Sport. (2009). *Claudia Pechstein & Deutsche Eisschnelllauf Gemeinschaft v. International Skating Union* (CAS 2009/A/1912 & 1913). CAS jurisprudence database.

Court of Arbitration for Sport. (2014). *Luis Suárez, FC Barcelona & Uruguayan Football Association v. FIFA* (CAS 2014/A/3665, 3666 & 3667). Award.

Court of Arbitration for Sport. (2016). *Michel Platini v. FIFA* (CAS 2016/A/4474).

Court of Arbitration for Sport. (2018). *Paolo Guerrero v. FIFA & World Anti-Doping Agency* (CAS 2018/A/5571). Award.

Court of Arbitration for Sport. (2018, October 30). *The CAS upholds the appeal filed by Serik Konakbayev against the AIBA Election Committee* [Media release]. CAS media-release archive.

Court of Arbitration for Sport. (2019). *Mokgadi Caster Semenya v. International Association of Athletics Federations; Athletics South Africa v. International Association of Athletics Federations* (CAS 2018/O/5794 & 5798). Award.

Court of Arbitration for Sport. (2020). *Club Atlético Boca Juniors v. CONMEBOL & Club Atlético River Plate* (CAS 2018/A/6040). Award.

Court of Arbitration for Sport. (2020). *Manchester City FC v. UEFA* (CAS 2020/A/6785). Award.

Court of Justice of the European Union. (1995). *Union Royale Belge des Sociétés de Football Association ASBL v. Jean-Marc Bosman* (Case C-415/93, ECLI:EU:C:1995:463). EUR-Lex.

Duval, A. (2013). Lex sportiva: A playground for transnational law. *European Law*

Journal, 19(6), 822–842. https://doi.org/10.1111/eulj.12067

Duval, A. (2016). The FIFA regulations on the status and transfer of players: Transnational law-making in the shadow of Bosman. In A. Duval & B. Van Rompuy (Eds.), *The legacy of Bosman: Revisiting the relationship between EU law and sport* (pp. 81–116). T.M.C. Asser Press. https://doi.org/10.1007/978-94-6265-120-3_5

European Union. (2016). *Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation)*. EUR-Lex.

FIFA. (2022). *Professional players: Data protection portal*. FIFA Legal.

Foster, K. (2003). Is there a global sports law? *Entertainment and Sports Law Journal, 2*(1), 1–18. https://doi.org/10.16997/eslj.146

Foster, K. (2005). Lex sportiva and lex ludica: The Court of Arbitration for Sport's jurisprudence. *Entertainment and Sports Law Journal, 3*(2), Article 2. https://doi.org/10.16997/eslj.112

Gardiner, S., O'Leary, J., Welch, R., Boyes, S., & Naidoo, U. (2017). *Sports law* (5th ed.). Routledge.

Greenfield, S., & Osborn, G. (Eds.). (2018). *Law and sport: Contemporary issues* (2nd ed.). Edward Elgar Publishing.

The International Football Association Board. (2022). *Laws of the Game 2022/23*. IFAB documents.

Latty, F. (2011). *La lex sportiva: Recherche sur le droit transnational*. Martinus Nijhoff Publishers.

Mavromati, D., & Reeb, M. (2015). *The code of the Court of Arbitration for Sport: Commentary, cases and materials*. Wolters Kluwer.

McArdle, D. (2015). *Dispute resolution in sport: Athletes, law and arbitration*. Routledge. https://doi.org/10.4324/9780203133576

UEFA. (2022). *UEFA Club Licensing and Financial Sustainability Regulations* (Edition 2022). UEFA documents.